

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
AUGUST 19, 2010**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Manager
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Assistant Director
EXCUSED:	Tyler Vincent	Councilmember

Mayor Fife called the meeting to order and excused Councilmember Vincent. The Reverence Period was given by Bishop Michael Webb from the LDS Brigham 17th Ward. The scouts in the audience led the Pledge of Allegiance.

Mayor Fife stated that the item under New Business concerning UTOPIA and the new UIA will be tabled until September 2. The UTOPIA Board had asked if City representatives would meet with them on August 23 to discuss some issues. He invited anyone interested in commenting on this item to do so during the Public Comment period. In addition, he moved the purchase of property under Unfinished Business to the end of the agenda. The Council will adjourn to an Executive Session for this discussion and then reconvene in a public meeting to continue the discussion.

PUBLIC COMMENT

CONSENT

Updates to the Employee Policy and Procedures Manual
New Hires, Library
Request to Transfer Volunteer Coordinator Salary and Benefits from the Recreation Department to Police Department

PUBLIC HEARING

Vacate Easements Between Lot 1-R and 2-R of the BD Subdivision Plat Located at Approximately 37 South 600 West

SCHEDULED DELEGATION

Discussion on the Continuation of the Heritage Arts Festival
Discussion on Recycling of Soda Bottles During Peach Days

NEW BUSINESS

Proposed Changes to the Full-Time Employee Education Assistance Benefit
Recommended School Crossing at 200 South 200 West
Resolution Authorizing Brigham City to Enter into an Interlocal Cooperative Agreement to Form the Utah Infrastructure Agency (*tabled*)
Request to Authorize Submittal of a TIGER II/HUD Community Challenge Planning Grant Application

UNFINISHED BUSINESS

Request to Participate in the Horse Butte Wind Project

PLANNING COMMISSION BUSINESS

Request to Amend Chapter 29.02, Definitions, to Modify the Recreational Coach Park Definition
Request to Amend Chapter 29.18, Sensitive Areas Overlay Zones, to Replace Existing Flood Plain Language with New Flood Damage Prevention Ordinance Language Provided by the State of Utah and to Adopt the Updated FEMA Flood Insurance Rate Map Panel

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

UNFINISHED BUSINESS *(Continued)*

Request for Approval of Purchase Contract with Horizon Development and Management to Purchase 17.2 Acres of Property Located on 800 West

PUBLIC COMMENT

Lisa Upton - Ms. Upton spoke on behalf of Robin Thornton and the Christensen Farm property sale. She contacted the Department of Agriculture and asked them about Century Farms. Christensen Farm has been designated as a Century Farm. She was told that there is no particular protection for Century Farms; however, they did say that it would be tragic if a developer razed the home and did something to the property that took away that designation. She added that she knows that the Christensen Family is not happy about that happening.

Councilmember Jensen - Councilmember Jensen stated that Richie Orton came to the Council a few weeks ago and expressed concern about Brittney Greens and their non-smoking policy at their apartments and that it was causing problems because smokers were going to other properties to smoke. Mr. Orton reported in the Neighborhood Pride Council meeting that Brittney Greens has designated a smoking area on their property and they will change the policies to accommodate their smoking customers.

Mayor Fife stated that the proposed developer of the Christensen property told the Council that they are going to try to keep the home in tact. They may add onto it and keep it as the clubhouse.

CONSENT

Updates to the Employee Policy and Procedures Manual

It was recommended the Employee Policy and Procedures Manual be amended by adding the City Recorder and Payroll Coordinator as positions exempt from the overtime provisions of the Fair Labor Standards Act.

New Hires, Library

It was recommended Mary Ann Barnett and Jessica Dean be hired as Library Pages, Grade 13, effective August 20, 2010.

Request to Transfer Volunteer Coordinator Salary and Benefits from the Recreation Department to Police Department

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

PUBLIC HEARING

Vacate Easements Between Lot 1-R and 2-R of the BD Subdivision Plat Located at Approximately 37 South 600 West

Mr. Bradley came forward and stated that the developers plan to use the full use of the setbacks in the RM-15 zone. The setback is 6' on one side and 12' on the other. With the 10' easement on the north side of the property, they would like that vacated to shift the building as far north as they can and utilize the driveway past the building to an accessory building on the south side. There is a 10' portion of an easement, about 65' in width, on Lot 2 and 10' on Lot 1 which would open up options for the General Commercial zoning.

Mr. Bradley added that this has gone through staff review and they are supportive. Notices have been sent to other utility providers. No comments have been received from them.

A motion to open the public hearing was made by Councilmember Christensen, seconded by Councilmember Ericson and unanimously carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Ericson, seconded and carried.

MOTION: Councilmember Ericson made a motion to vacate easements between Lot 1-R and 2-R of the BD Subdivision Plat Located at approximately 37 South 600 West. The motion was seconded by Councilmember Jensen and unanimously carried.

SCHEDULED DELEGATION

Discussion on the Continuation of the Heritage Arts Festival

Ms. Donna Pett came to the table and reported that for the last two years the weather has been terrible on the day of the Heritage Arts Festival. Even through the weather, people came to enjoy the entertainment.

Following the festival, the committee discussed moving it to the third weekend in June. There are always people that quantify quality of life with money figures. It should not matter if a small amount of people attend a festival or if there is a lot of attendance. Each group of people should have their needs met. Some go to movies, some to dinner, some play sports. Others watch parades, movies in the park, etc. These are things that make a community worth living in.

In 2008 the Festival cost a little over \$20,000. In 2009 the cost was approximately \$15,500. In 2010 the cost was approximately \$11,000; however, the net cost after all donations was \$6,000. Donations were down this year because of the economy. This year they not only received grant money from Wal-Mart, but they also took advantage of Wal-Mart's program for volunteers. They set up on Friday night and took things down Saturday night.

It is time to start asking for donations and the Committee wanted to make sure they should proceed with the Festival. Mayor Fife stated that this is included in the 2010-11 budget. Mr. Larsen said there is not a line item for the Festival; it has always come out of his Economic Development budget.

Councilmember Ericson expressed concern that there has never been a set dollar amount, it has been a moving target. He challenged the Committee to set a budget and then find grants and donations to make it work. Mr. Larsen said they can analyze it and stay within a dollar amount.

Mr. Larsen said when the Festival is held on the second Saturday it competes with the Tour de Cure, the Cedar City Summer Games and the Summerfest in Logan.

Councilmember Marabella said he would like to see the real cost to the City for some of these activities. The reality is that at some point some services may need to be cut. He used picking up leaves as an example. This is a large expense to the citizens. The Council has a responsibility to analyze all these things. Mr. Larsen said Councilmember Ericson has suggested in the past that the Festival be privatized. He added that it is difficult to analyze the cost of these kind of activities. An example is the Cedar City Shakespearean Festival. They have figured that it brings in about \$65 million a year for the Cedar City economy. It started in 1961 as a very small festival and has grown over time. It has since been privatized.

MOTION: Councilmember Christensen made a motion that the Heritage Arts Festival continue next year and try to narrow the budget down as discussed, and that it be held on the third Saturday in June. Councilmember Ericson seconded the motion, unanimously carried.

Discussion of Recycling of Soda Bottles During Peach Days

Ms. Lori Hunsaker came forward and stated that she feels very strongly about conserving and recycling. Plastic is indestructible and may be our last legacy. In the last few years during Peach Days she made some efforts on her own to recycle plastic bottles. Coca-Cola donated barrels one year, but few people used them. This year they will not be able to donate anything because of budget cuts. She has been looking for other alternatives. She asked the Council if the City can help with this effort.

Councilmember Marabella suggested this be an Eagle project. Councilmember Ericson suggested a donated price for whoever guesses the number of bottles in the recycled container. Mayor Fife recommended contacting the School District and asking for help from seniors in high school. Councilmember Marabella also suggested asking if any high school clubs would be willing to help.

Mayor Fife recommended Ms. Hunsaker continue to work with Robert Neville on this project and bring up these suggestions.

NEW BUSINESS

Proposed Changes to the Full-Time Employee Education Assistance Benefit

Mr. Bosworth came forward and presented results of a survey he was asked to do on education assistance. He surveyed other cities and local businesses. The purpose of the survey was to look at the City's Education Assistance Program and look at ways to encourage employees to take advantage of the benefit. Last year there were two employees who used the benefit and this year there is only one.

The City currently offers a 50% tuition and book reimbursement for a C grade or higher for undergraduate classes or B or higher for graduate classes. There is a maximum of \$1,250 per year per employee. It was proposed that this be changed to have a grade incentive. For an A grade the employee would be reimbursed 90%; 75% for B; 50% for C. There is \$4,000 in this year's budget. The hope is to encourage employees to further their education. There is still the requirement that the employee has to continue working for the City for two years after classes have been completed or they have to pay back the amount they were given.

Councilmember Jensen asked how many employees Mr. Bosworth felt would take advantage of the enhanced program. Mr. Bosworth estimated 4-6 would take advantage of it.

Councilmember Marabella suggested doing a one year trial to see how much it will impact the budget.

Councilmember Ericson said in the Personnel Committee they talked about having a cap on the number of hours employees can take. Mayor Fife explained that this was not included because it was felt that two classes would be the maximum anyone could do with a full time job, but a maximum could be added.

Councilmember Jensen felt that due to the economic times throughout the country, 50% reimbursement and \$1,250 maximum was fair. She felt the City was comparable to other cities and businesses. Mayor Fife said based on Mr. Bosworth's survey, if the reimbursement was increased there could be 6-8 employees encouraged to continue their education. The whole idea is to encourage better quality in their job performance and better attitude because of the employee education benefits. Councilmember Jensen said she would feel more comfortable if there was a maximum amount. In addition, she was concerned with appointed employees taking advantage of this and then a new Mayor getting elected and not reappointing them. Mr. Bosworth said if it was an involuntary resignation they would not have to be reimburse the City. Councilmember Jensen recommending changing that to 3-4 years. She felt it was too open. Councilmember Ericson said the Council should not look at how this will affect the budget. The purpose is to improve employees and make them more effective for the City and the residents.

MOTION: Councilmember Ericson moved to change the full-time employee education assistance benefit as outlined, with a cap of six credit hours. The motion was seconded by Councilmember Christensen. Councilmember Ericson and Councilmember Christensen voted aye. Councilmember Marabella and Councilmember Jensen voted nay. Due to a tie vote, Mayor Fife voted and voted aye. The motion carried 3-2.

Recommended School Crossing at 200 South 200 West

Mr. Pugsley came forward and stated that with the recent closure of Bunderson School, there will be an increased number of students going to Lakeview Elementary. It was estimated 44 more students could be using the intersection of 200 South and 200 West. There is currently a 2-way stop at this intersection. It was recommended the intersection have a 4-way stop with a school crosswalk on the west side of the intersection until they are able to do a warranted traffic study once school is in session.

Councilmember Marabella expressed concern with a new 4-way stop because it takes a while for people to get used to it and students will be starting school soon. He recommended having a temporary crossing guard until the first half of the school year. There is the construction of the LDS temple on the same street and a lot

of high school students driving on 200 South. Councilmember Jensen suggested a speed monitor be placed on 200 South to help people slow down before they get to the stop sign.

Mr. Leonard said the City only has one paid crossing guard. The City trains volunteers for the PTA to be crossing guards at Mountain View. He did not recommend hiring a crossing guard at the 200 South and 200 West intersection because it has not met the warrant. If the PTA wants to have volunteers trained, that would be helpful. Superintendent Wolff said there is a parent working on that. It is a peak loading time for traffic, but they will be stopped at 100 West, then they will only have 330' to stop again at 200 West. He felt it would only be a few mornings before drivers are used to the new stop sign.

Mr. Pugsley said it would also be helpful to have something in the paper. It might be possible to get a message board brought in from the Utah Department of Transportation.

Lt. Mike Nelsen said he trains the crossing guard volunteers and he has had several parents ask him about crossing guards at the intersection of 700 South and 200 West. He has told them to contact their PTA. He has met with Lake View School several times and told them he would train the crossing guards, but they have never come forward. It might be difficult to get volunteers from Lake View School. He felt a lot of parents will drive their students to school because it will be a long walk.

MOTION: Councilmember Marabella made a motion to approve the school crossing at 200 South 200 West, including trying to get volunteers for crossing guards. The motion was seconded by Councilmember Jensen and unanimously carried.

Mayor Fife recommended also looking at the intersection of 700 South and 200 West. Mr. Leonard said the City previously had a study warrant conducted at that intersection and it did not qualify for flashing lights and a school guard crossing. That may change, however, with more students and vehicles using this route.

Mayor Fife also asked for another warrant study on the speed limit on 200 South.

Request to Authorize Submittal of a TIGER II/HUD Community Challenge Planning Grant Application

Mr. Larsen came forward and explained that this is a joint planning grant of the Department of Transportation and the Department of Housing and Urban Development. The intent is to study the Forest Street crossing and determine the best course of action to resolve the issues at this crossing. The two options are to relocate the rail switching operation or do an overpass. This study will help determine which is most cost effective. It will also provide a transit oriented development plan for the commuter rail station at 200 South.

Mr. Larsen proposed that the matching funds come from the West Forest Street Economic Development Project Area. He is asking for \$75,000. If the City is awarded that much, the City's match would be \$75,000.

MOTION: Councilmember Ericson made a motion to authorize the submittal of the TIGER II/HUD Community Challenge Planning Grant application. The motion was seconded by Councilmember Christensen and unanimously carried.

UNFINISHED BUSINESS

Request to Participate in the Horse Butte Wind Project

Councilmember Jensen expressed concern with the previous presentation on the Horse Butte Wind Project by UAMPS because they could not say how much the City would profit from the project. They were not able to answer the question on how much the City could sell the power for. She did not feel it will be a good investment for the City. Mayor Fife stated that the UAMPS representative suggested that the best motive was for the City to use the power. They indicated that if it was sold on the open market it would be approximately \$100.

Councilmember Jensen also expressed concern that the City would be buying the rights at night, which is when the City is already on lower rates. Councilmember Christensen said he understood that this would replace the peak power purchases that the City pays Rocky Mountain Power (RMP), which is much higher

than the standard rates. If that is the case, there would be no reason to sell it because the City would be at a break even point. The peak rates are close to what the wind power would be. Councilmember Ericson said that is the case now, but if RMP's rates continue to go up as they have been, their regular rate will be higher than the wind rate. From that point on, it becomes a less expensive option.

Mr. Leonard said the Council asked in the previous meeting how much more it will cost the citizens. Mr. Roberts prepared projections that there will be a cost increase of 4.66%. It will be up to the Council how to administer that, whether to pass it onto the residents or not.

Mr. Leonard said he received a memo from Nate Hardy of UAMPS stating that they re-analyzed their pricing and their 20-year PPA price is now \$64. The price for certificates dropped from \$76 to \$70.

Councilmember Christensen asked how 5 MW will help the City. Mr. Burnett replied that the City's maximum use this year was 32 MW, so it would be 16% of Brigham City's peak. There is a pulling capacity of 1.5 MW. At full capacity and with the water storage available, the average is 600-700 KW. Mr. Roberts prepared a memo which estimated that by the year 2016, RMP Brigham City rates would equal wind power costs, based on a 8.8% increase from RMP every year. Based on a 3.73% increase per year from RMP, he estimated they would be equal by the year 2023. These do not include the new rates recently received from UAMPS.

Mr. Leonard felt that the City needs to be pro-active on this and also look at gas fired generation. He added that UAMPS is looking at this area off the Ruby Pipeline about gas fire generation or methane off some of the landfills. He and Mr. Burnett feel that the City needs to do the wind power and then continue looking at other options. The City needs to wean away from buying leased energy. Mr. Burnett added that it has always been very easy to stay with RMP. Several years ago UAMPS members were capable of buying power for \$40 MW, which at that time was considered expensive. If the City's capacity is figured into it, we are at \$37-\$38 MW. If the City purchased power at \$40 MW, which would be the City's capacity and the City would own it, it would have been a good decision. Now the price is \$66 and by the time RMP purchases power for \$66 it will cost the City well over \$100 MW to buy into new energy. He felt the City should invest in new energy sources because it is the only way the City can ensure that someone won't stop selling power to us.

Councilmember Ericson stated that if Mr. Roberts' estimates are accurate and in six years RMP emergy will cost more than Horse Butte wind power, the City should be looking at 10 MW instead of just five. He was concerned whether the City could afford it, but if RMP increases an estimated 9% each year, the City cannot afford not to go with other sources. Mayor Fife was not sure if there is another 5 MW available, but it might be possible to buy into Phase II.

Councilmember Jensen said UAMPS told the Council that they need a certain number of cities to sign up before they can get their loan. She asked what would happen if they get the loan, then the loan pulls out like URS did with UTOPIA. Then Brigham City will be left with a project that was started and they will be coming back to the City for more money. Mr. Leonard said they are getting the loan for construction, therefore if they don't get the loan there won't be any construction. They will apply at the first of 2011. Councilmember Jensen was concerned that if things don't work out the way UAMPS is proposing, the City would have to come up with more money. It doesn't seem like a lot now, but it is a 20-year contract. Mayor Fife said his understanding is that UAMPS will be doing the construction costs with a construction loan. Then CitiBank will do the bonding. Brigham City's only obligation is to buy the power until UAMPS buys it back. Councilmember Christensen added that the City is obligated for expenses while UAMPS is getting organized to get the project ready. UAMPS will not start construction until the bonding is complete. Brigham City's obligation will be to purchase a certain amount of power. Mr. Burnett added that the City's obligation will also be to invest after the amortization is complete and if the PMC decides to purchase it, the City would go in on a loan to purchase it. Brigham City would then be full owners.

Councilmember Marabella felt that wind energy is the future. It is probably the only thing keeping California in power. This is not a UTOPIA where no one has done it before.

MOTION: Councilmember Marabella made a motion to move forward with the City participating in the Horse Butte Wind Project for 5 MW as discussed. Councilmember Christensen seconded the motion. Councilmember Jensen said she is not convinced that this

is the best investment for Brigham City. She agreed the City needs to move forward; however, she did not feel it had been researched it enough. Councilmember Christensen, Councilmember Ericson and Councilmember Marabella voted aye. Councilmember Jensen voted nay. The motion carried 3-1.

PLANNING COMMISSION BUSINESS

Request to Amend Chapter 29.02, Definitions, to Modify the Recreational Coach Park Definition

Mr. Bradley came forward and explained that this amendment to Chapter 29.02 is to change the definition of Recreational Coach Park from a temporary stay at a RV park from a not to exceed time of 30 days to 180 days.

MOTION: Councilmember Jensen made a motion to amend Chapter 29.02, Definitions, to Modify the Recreational Coach Park Definition. The motion was seconded by Councilmember Marabella and unanimously carried.

Request to Amend Chapter 29.18, Sensitive Areas Overlay Zones, to Replace Existing Flood Plain Language with New Flood Damage Prevention Ordinance Language Provided by the State of Utah and to Adopt the Updated FEMA Flood Insurance Rate Map Panel

Mr. Bradley introduced John Crofts, the National Flood Insurance Program Coordinator from the State of Utah. Mr. Bradley explained that the State provided a template of the minimum requirements. In order to participate in the insurance and grants, it is imperative this be adopted.

The new study conducted by the state changes the flood plain area. It increased the number of households in the flood plain. There was concern with the deadline of when citizens can get flood insurance. If they do not meet this deadline their insurance significantly changes.

Mr. Crofts stated that the National Flood Insurance Program is a voluntary program. Brigham City has been participating for decades. FEMA has not issued any violations to Brigham City throughout the entire duration of its participation. This program allows residents in a flood plain area to purchase a preferred risk flood policy. It has to be done 30 days before the flood plain maps become effective, which is September 29. He added that because Brigham City is in the National Flood Insurance Program residents can purchase flood insurance even though they are not in the flood plain at a reasonable rate. The preferred risk policy rates start as low as \$119/year.

There was a discussion on who will be responsible to notify the public and who will cover the costs. Mr. Crofts will provide a template for a postcard or letter and Mr. Bradley was assigned to mail the information.

Mr. Bradley stated that Mr. Crofts recommended to staff that the minimum requirement for a new structure be one foot above the base flood area. Jared Johnson, the City's Building Official, agreed with this recommendation.

MOTION: Councilmember Ericson made a motion to amend Chapter 29.18, as suggested by staff and as recommended by the Planning Commission. The motion was seconded by Councilmember Jensen and unanimously carried.

AMENDED MOTION: Councilmember Ericson amended his motion to include the requirement to elevate the structure one foot above the flood plain. The motion was seconded by Councilmember Jensen and unanimously carried.

UNFINISHED BUSINESS (Continued)

Request for Approval of Purchase Contract with Horizon Development and Management to Purchase 17.2 Acres of Property Located on 800 West

Councilmember Ericson made a motion to adjourn to an executive session to discuss the purchase of real property, seconded by Councilmember Marabella and unanimously carried. The Council adjourned to a closed session at 9:15 p.m.

The Council returned to an open meeting at 9:53 p.m.

Mayor Fife asked if there were any comments from the public.

Lisa Upton - Ms. Upton spoke again on behalf of Robin Thornton, the current renter of the home on the old Christensen Farm. She stated that if the sale is going to go through and Horizon moves forward with their plans, it will mean Robin and her four children will be finding a place to live. She felt that a sufficient amount of time needs to be given in order for her to find another place to live. Her children have been uprooted over 25 times in 15 years. They need stability. She suggested that Horizon give Robin first priority on one of the duplexes. This will allow her family to stay in the area. Mayor Fife stated that the property won't close for six months. Ms. Upton said she was told that, but she hasn't been told anything definite about when the construction will start. Mayor Fife stated that once it is under contract, Horizon will work with Ms. Thornton.

Steve Packer - Mr. Packer stated that a concern of the neighbors on the north end of the property is that the development be nice homes with covenants for the size of the home, the way they are built, and how they should take care of them. The duplex and other small building that the City allowed to be built on the property nearly five years ago has been the City's eyesore for that whole time. Finally, after four years it has siding on the sides of it. Another concern is that from the time they purchase the property to the time they start construction that they maintain the property, which the City has not done. The City has never trimmed the trees that are coming onto his property and are ruining a neighbor's fence. The weeds have spread throughout the area.

Mayor Fife stated that the City Attorney has reviewed the contract and has no issues with it. He called for a motion.

Councilmember Jensen said she felt this should be reviewed with Jeff Packer. She was not convinced that it is not going to pull from the current housing market.

Councilmember Marabella said he had a number of concerns; however, after discussing the project further and knowing more about the price they paid for the previous property during the Executive Session, he was in favor of the project.

Councilmember Ericson stated that if the City is going to have subsidized housing, this is the type needed. They are high class facilities, they draw good people to the community and he felt it will be an asset. Councilmember Christensen agreed.

Councilmember Jensen felt that with the housing market the way it is in the area, this development will flood the market and have the citizens on a bad advantage. Councilmember Marabella agreed, but it is a matter of supply and demand. There are 191 houses for sale in Brigham City and people will lower their prices to the point that they won't be able to pass up on those houses.

MOTION: Councilmember Christensen made a motion to approve the contract as presented. The motion was seconded by Councilmember Marabella. Councilmember Christensen, Councilmember Ericson and Councilmember Marabella voted aye. Councilmember Jensen voted nay. The motion carried 3-1.

A motion to adjourn was made by Councilmember Jensen. The motion was seconded and carried unanimously. The meeting adjourned at 10:08 p.m.